



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority  
serving school and college  
districts throughout the  
state.*

5350 Skylane Boulevard  
Santa Rosa, CA 95403

Tel: (707) 524-2690  
Fax: (707) 578-0517  
santarosa@sclscal.org  
www.sclscal.org

*General Counsel*  
Carl D. Corbin

*Attorneys*  
Monica D. Batanero  
Jennifer Henry  
Nancy L. Klein  
Damara L. Moore  
Jennifer E. Nix  
Steven P. Reiner  
Kaitlyn A. Schwendeman  
Loren W. Soukup  
Erin E. Stagg

*Of Counsel*  
Ellie R. Austin  
Robert J. Henry  
Frank Zotter, Jr.

## LEGAL UPDATE

February 18, 2021

**To: Superintendents/Presidents/Chancellors, Member Community College Districts**

**From: Kaitlyn Schwendeman, Assistant General Counsel** *KAS*

**Subject: 2020 Census Redistricting  
Memo No. 04-2021(CC)**

---

The results of the 2020 census will soon be available. Because of the decennial nature of the census, we are reminding K-12, community college districts and county boards (school agencies) that are divided into trustee areas, or that are considering changing over to them, that they should be aware of their duties under Education Code § 5019.5.

This section requires school agencies that are divided into trustee areas (by which individual trustees are elected by the registered voters within that area) to adjust the boundaries of those trustee areas consistent with the results of the most recent census. Boundaries need to be adjusted to satisfy at least one of the following conditions:<sup>1</sup>

- a) The population of each area is, as nearly as may be, the same proportion of the total population of the district as the ratio that the number of governing board members elected from the area bears to the total number of members of the governing board. For example, if a district has five trustees and elects one trustee from each of five trustee areas, each district should have approximately one-fifth of the total population in each trustee area; or
- b) The population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas. The

---

<sup>1</sup> Section 5019.5 states “the governing board of each school district or community college district...shall adjust the boundaries of any or all of the trustee areas of the district so that one or both of the following conditions are met.” We interpret this language to permissively allow a district to meet one of the criterion, but note that the statutory language appears to indicate a preference that districts meet both criterion, if possible.



general guideline is that the largest trustee area should be no more than 10% more populous than the smallest trustee area in the district, although districts should, to the greatest extent practicable, try to make the trustee areas as close in size by population as possible.<sup>2</sup>

### **When Should Districts Complete Adjustments?**

The district must complete its adjustments by March 1 of the year following the release of the census results. The results of the 2020 census will likely be released in mid-2021. Districts must complete their adjustments by Tuesday, March 1, 2022, if they make those adjustments on their own.

If the district does not complete this task, the county committee on school district reorganization must complete the task by April 30, 2022.<sup>3</sup>

While March 2022, may seem a long way off, the drawing of district lines can be a very complex and sometimes controversial process. All districts should start working on reviewing, possibly adjusting or setting their district boundaries as early as possible.

### **What Needs to be Done?**

1. Districts should carefully review the results of the 2020 census to see if there have been significant demographic shifts within their boundaries. Districts that have not converted to trustee areas may want to use this as an opportunity to determine whether to do so. Districts that utilize a “hybrid” method of electing trustees (meaning the district is divided into trustee areas and trustees must reside in those areas, but are elected by the entire population of the district) may want to work with legal counsel to look into changing over to “true” trustee areas voting systems, to comply with any potential complications related to the California Voting Rights Act (“CVRA”).
2. Districts that are divided into trustee areas, or are contemplating creating trustee areas, should contact their county committee immediately to coordinate the review and possible adjustments. The county committee may have cost advantages such as being able to contract for a single demographic firm to work with a number of school agencies in the county. Furthermore, the process for conversion to trustee area voting requires multiple district and county committee meetings, which should be scheduled well in advance.

The redistricting process involves using the latest census figures to determine the size of each trustee area and then calculating if a given trustee area is oversized compared to the other trustee

---

<sup>2</sup> The statute appears to contemplate that the demographic map be drawn based on total population versus voting-aged population; however, this is not completely clear. Our advice is to comply with the spirit of the statute and utilize total population; if your district chooses to deviate from this, we recommend discussing such actions with legal counsel.

<sup>3</sup> Because April 30, 2022 falls on a Saturday, county committees on school district reorganization have until Monday, May 2, 2022 to complete this process.



areas. If a trustee area is oversized, then the areas located near the boundary of that trustee area must be transferred to the neighboring trustee area to decrease the size of the larger trustee area. In general, it is not recommended that districts attempt to do this analysis without the assistance of a credible, professional demographer or civil planning firm, in consultation with legal counsel. A demographer will review the data from the census and will, in addition to drawing the conclusions above, assist with the creation of new maps for the trustee areas.

Districts with trustee areas that have territory in more than one county should contact the county committee for each county and work to coordinate the adjustment of trustee area boundaries.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

© 2021 School and College Legal Services of California

*All rights reserved. However, SCLS grants permission to any current SCLS client to use, reproduce, and distribute this Legal Update in its entirety for the client's own non-commercial purposes.*